



~~April 15, 2003 CPC~~
~~May 20, 2003 CPC~~
~~June 17, 2003 CPC~~
~~July 23, 2003 BS~~
November 25, 2003 BS

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

03SN0214

James M. Blalock

Matoaca Magisterial District
Off the North Line of Genito Road

REQUEST: (Amended) Amendment to Conditional Use Planned Development (Case 95SN0307) relative to uses, hours of operation and gross floor area for property known as Tract G within Edgewater at the Reservoir development.

PROPOSED LAND USE:

A neighborhood commercial center is proposed.

PLANNING COMMISSION RECOMMENDATION

RECOMMEND APPROVAL SUBJECT TO THE CONDITIONS ON PAGES 2 AND 3.
RECOMMEND THAT THE PROFFERED CONDITIONS ON PAGE 3 NOT BE ACCEPTED.

STAFF RECOMMENDATION

Recommend approval for the following reasons:

- A. The proposed amendments conform with the Upper Swift Creek Plan which suggests that convenience nodes be designed within a planned residential neighborhood and located at the intersection of arterial streets to serve the immediate area.
- B. The proposed use exceptions are designed to provide goods and services to nearby existing and proposed residential communities within this unique development as intended under the original conditions of zoning.

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- C. The proposed zoning and land uses are designed to provide maximum compatibility with, and minimal impact upon, the surrounding residential development.

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER MAY PROFFER CONDITIONS. THE CONDITIONS NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

CONDITIONS

- (CPC) 1. Uses. In addition to those uses permitted by right or with restrictions in the Convenience Business (C-1) District, the following use shall be permitted:
- Gasoline sales, excluding diesel fuel sales in conjunction with a permitted use. A maximum of three (3) pump islands containing a total of no more than six (6) fueling stations (a maximum of three (3) pumps having two (2) fueling nozzles each) shall be permitted. (P)
- (CPC) 2. Development Standards. Development shall conform to the requirements of the Convenience Business (C-1) Districts in Emerging Growth District Areas, except as follows:
- a. Hours. No use shall be open to the public between 9:00 p.m. and 6:00 a.m., except for convenience store and restaurant uses which shall not be open to the public between 11:00 p.m. and 6:00 a.m.
- b. Individual Buildings. One building shall not exceed 6,500 square feet of gross floor area and shall be occupied by a child care center or office use only. Such building may be located within 200 feet of an existing residentially zoned parcel. All other buildings shall not exceed 5,000 square feet of gross floor area. (P)
- (CPC) 3. Prior to the issuance of a building permit on the property (Tract G), Woolridge Road from Watermill Parkway to Genito Road, and Watermill Parkway from Woolridge Road to Old Hundred Road/Powwhite Parkway Extended shall be complete and ready for acceptance into the State Maintenance System as determined by the Transportation Department. (T)
- (CPC) 4. Direct access across from the property to Fountain View Drive shall be located at the eastern property line. The exact location shall be approved by the Transportation Department. (T)

(Note: These conditions supersede Condition 6 of Case 95SN0307 for the request property only. Except for Condition 6, all previous conditions and proffered conditions of Case 95SN0307 shall remain in effect.)

PROFFERED CONDITIONS

- (STAFF) 1. Uses. In addition to those uses permitted by right or with restrictions in the Convenience Business (C-1) District, the following uses shall be permitted:
- a. Gasoline sales, excluding diesel fuel sales in conjunction with a permitted use. A maximum of four (4) pump islands containing a total of no more than eight (8) fueling stations (a maximum of four (4) pumps having two (2) fuel nozzles each) shall be permitted.
 - b. Motor vehicle wash in conjunction with a permitted use, provided such use is limited to a self-service, automatic, single-bay operation (P)
- (STAFF) 2. Development Standards. Development shall conform to the requirements of the Convenience Business (C-1) Districts in Emerging Growth District Areas, except as follows:
- a. Hours. No use shall be open to the public between 9:00 p.m. and 6:00 a.m., except for convenience store and restaurant uses which shall not be open to the public between 11:00 p.m. and 6:00 a.m.
 - b. Individual Buildings. One building shall not exceed 6,500 square feet of gross floor area and shall be occupied by a child care center or office use only. Such building may be located within 200 feet of an existing residentially zoned parcel. All other buildings shall not exceed 5,000 square feet of gross floor area.
- (STAFF) 3. Prior to the issuance of a building permit on the property (Tract G), Woolridge Road from Watermill Parkway to Genito Road, and Watermill Parkway from Woolridge Road to Old Hundred Road/Powwhite Parkway Extended shall be complete and ready for acceptance into the State Maintenance System as determined by the Transportation Department. (T)
- (STAFF) 4. Direct access across from the property to Fountain View Drive shall be located at the eastern property line. The exact location shall be approved by the Transportation Department. (T)

(Note: These proffered conditions supersede Condition 6 of Case 95SN0307 for the request property only. Except for Condition 6, all previous conditions and proffered conditions of Case 95SN0307 shall remain in effect.)

GENERAL INFORMATION

Location:

Lies off the north line of Genito Road, north of Woolridge Road. Tax ID 719-687-Part of 2732 (Sheet 9).

Existing Zoning:

Residential (R-9) with Conditional Use Planned Development

Size:

6.5 acres

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North and West – R-9 with Conditional Use Planned Development; Vacant
East – R-9 with Conditional Use Planned Development; Vacant, but pending subdivision recordation (Edgewater at the Reservoir, Section 4)
South – R-9 with Conditional Use Planned Development; Single family residential (Edgewater at the Reservoir)

UTILITIES

Public Water and Wastewater Systems:

This request will not impact the public water and wastewater systems. Use of the public water and wastewater systems is required as a condition of the original zoning. (Case 88S008, Condition 13)

ENVIRONMENTAL

Drainage and Erosion:

The property drains south, then west via storm sewers, and through one (1) proposed and two (2) existing BMPs to the Swift Creek Reservoir. There are currently no on- or off-site drainage or erosion problems and none are anticipated after development.

PUBLIC FACILITIES

Fire Service:

Currently, the Waterford Fire/Rescue Station, Company Number 16, provides fire and emergency medical services. This request will have minimal impact on fire and rescue services.

Transportation:

The applicant is requesting an amendment to a condition of zoning (Condition 6 of Case 95SN0307) on 6.5 acres, identified on the Master Plan as Tract G. This amendment would allow additional retail uses to be developed within Tract G. These additional uses will have a minimal impact on the anticipated traffic generated by development of the property.

The 6.5 acres is part of a large mixed-use development ("Greenspring"), consisting of approximately 1,300 acres, that includes retail, office and residential land uses. Greenspring was originally rezoned in 1988, and the Board of Supervisors has approved several subsequent amendments to that original zoning case. As part of the zoning approval for Greenspring, the Board conditioned the Textual Statement to be a part of the Master Plan for development of the project. Transportation related conditions in the Textual Statement include right of way dedication, access control and construction of specific road improvements.

Some of the required road improvements include construction of an extension of Woolridge Road north of Genito Road and construction of a loop road ("Watermill Parkway"). Parts of this road network are currently under construction, but not complete. In order to provide adequate access to Tract G, the applicant has proffered that no building permits will be issued within Tract G until Woolridge Road from Genito Road to Watermill Parkway, and Watermill Parkway from Woolridge Road to Old Hundred Road/Powwhite Parkway Extended are complete and ready for acceptance into the State Maintenance System. (Proffered Condition 3)

At time of site plan review, specific recommendations will be provided regarding internal circulation.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Upper Swift Creek Plan which suggests the property is appropriate for single family residential uses of 2.0 units per acre or less. Further, the Plan indicates that certain locations within planned residential neighborhoods may be appropriate for the development of convenience nodes. Such nodes would be designed to provide limited services to residents within the immediate area. These nodes should be located at one

(1) corner of an intersection of two (2) collector streets or a collector and an arterial street and cover no more than three (3) acres nor exceed a density of 5,000 square feet of gross floor area per acre.

Area Development Trends:

Surrounding properties are zoned Residential (R-9) with Conditional Use Planned Development. As part of the original Greenspring I development, these properties were zoned for a mix of residential, office and commercial uses. Property to the east is currently pending subdivision recordation. (Edgewater at the Reservoir, Section 4)

Zoning History:

On May 25, 1988, the Board of Supervisors, upon a favorable recommendation by the Planning Commission, approved rezoning on the request property and adjacent property to the north, east, west and south from Agricultural (A) and Residential (R-15) to Residential (R-9) and Office Business (O) with Conditional Use Planned Development to permit a mix of residential, office, commercial and recreational uses (Case 88S008), subject to a number of conditions. This project, which contained approximately 1,313 acres, was commonly known as Greenspring.

On September 27, 1995, the Board of Supervisors, upon a favorable recommendation by the Planning Commission, approved various amendments to Case 88S008, affecting an 809 acre portion of the original Greenspring development (Case 95SN0307). Specifically, approval of this case permitted the development of the request property to proceed independent of the adjacent portions of the original Greenspring I Project and modified specific requirements of the original Greenspring I rezoning. Included in this amendment was the creation of an additional commercial tract (Tract G) consisting of approximately 6.1 acres. Tract G represents property that is the subject of this current request.

On July 23, 1997, the Board of Supervisors, upon a favorable recommendation by the Planning Commission, approved an amendment to Case 95SN0307 relative to access (Case 97SN0256). This amendment permitted a portion of the property affected by Case 95SN0307 to access from Genito Road instead of Powhite Parkway. This case included the subject property.

Site Design:

Condition 6 of Case 95SN0307 requires that development on the subject property conform to the requirements of Emerging Growth Area for Convenience Business (C-1) District which address access, parking, landscaping, architectural treatment, setbacks, signs, buffers, utilities and screening of dumpsters and loading areas.

Uses:

Condition 6 of Case 95SN0307 permits the development of Convenience Business (C-1) uses on the subject property (Tract G). The applicant is requesting the ability to develop two (2) additional uses on the property which are currently not permitted. These include gasoline sales, excluding diesel fuel sales, in conjunction with a permitted use, with a maximum of four (4) pump islands and a maximum of eight (8) fueling stations and motor vehicle wash in conjunction with a permitted use, provided such use is limited to a self-service, automatic, single bay operation. (Proffered Condition 1)

Gasoline sales in conjunction with a permitted use is a restricted use in the Convenience Business (C-1) District, provided that such use is not located along streets which terminate in a residential neighborhood. This restriction cannot be met on the subject property as proposed Sailboat Drive, which runs along a portion of the property's eastern boundary, will eventually serve Edgewater at the Reservoir Subdivision, Section 4, which is pending recordation (reference attached survey plat). As a result, this use would first be permitted by right in the Neighborhood Business (C-2) District.

Motor vehicle washes are first permitted in a Community Business (C-3) District as freestanding uses, whether automatic or fully-staffed. As previously noted, the applicant proposes to limit this use to operate in conjunction with a permitted use as a self-service, automatic, single bay operation.

As proposed, these uses are designed to provide goods and services to nearby existing and proposed residential communities of the Greenspring project as intended under the original conditions of zoning.

Hours of Operation:

Convenience Business (C-1) District standards require that no use can be open to the public between the hours of 9:00 p.m. and 6:00 a.m. The applicant requests that operating hours be extended for convenience store and restaurant uses to 11:00 p.m. All other uses will continue to be regulated by the C-1 standards. (Proffered Condition 2.a.)

Individual Building Size:

Convenience Business (C-1) District standards restrict the square footage of buildings located within 200 feet of an existing residentially zoned parcel to 5,000 square feet of gross floor area. Beyond this 200 foot distance, the building size can be increased to a maximum of 8,000 square feet of gross floor area. The applicant has requested that one (1) building located within 200 feet of a residentially zoned parcel be permitted a maximum of 6,500 square feet of gross floor area provided such building is occupied by a day care or office use only. (Proffered Condition 2.b.)

This floor area exception most directly affects the southeastern boundary of the subject property, which is adjacent to the proposed development of Edgewater at the Reservoir, Section 4 (reference attached survey plat). Lots within this proposed development will be separated from the subject property either by recorded open space within the subdivision, or the provision of a forty (40) foot buffer within the subject property. As a result, impacts of this requested floor area increase upon the adjacent residential development would be minimized.

In response to area residents' concerns, proffered conditions limit the size of all other buildings located on the subject property to 5,000 square feet of gross area. (Proffered Condition 2.b.)

Architectural Treatment:

Currently, architectural treatment of buildings, including materials, color and style, must be compatible with buildings located within the same project. Compatibility may be achieved through the use of similar building massing, materials, scale, colors and other architectural features.

Currently, within Emerging Growth Areas, no building exterior which would be visible to any R district or any public right of way may consist of architectural materials inferior in quality, appearance or detail to any other exterior of the same building. There is, however, nothing to preclude the use of different materials on different building exteriors, but rather, the use of inferior materials on sides which face adjoining property. No portion of a building constructed of unadorned concrete block or corrugated and/or sheet metal may be visible from any adjoining R district or any public right of way. No building exterior may be constructed of unpainted concrete block or corrugated and/or sheet metal.

Further, C-1 standards require an architectural style compatible with the surrounding residential neighborhood. Compatibility may be achieved through the use of similar building massing, materials, scale or other architectural features.

Currently, all junction and accessory boxes must be minimized from view of adjacent property and public rights of way by landscaping or architectural treatment integrated with the building served. Mechanical equipment, whether ground-level or rooftop, must be screened from view of adjacent property and public rights of way and designed to be perceived as an integral part of the building.

Buffers and Screening:

The Zoning Ordinance requires that solid waste storage areas (i.e., dumpsters, garbage cans, trash compactors, etc.) on property which is adjacent to an R district be screened from view of such district by a masonry or concrete wall which is constructed of comparable materials to and designed to be compatible with the principal building that such area serves and that such area within 1,000 feet of any R district not be serviced between the hours of 9:00 p.m.

and 6:00 a.m. In addition, sites must be designed and buildings oriented so that loading areas are screened from any property where loading areas are prohibited and from public rights of way.

Adjacent property to the east is zoned Residential (R-9) and is currently vacant. Currently, the Zoning Ordinance requires a minimum forty (40) foot buffer along the eastern property boundary of the request site. At the time of site plan review, the Planning Commission may modify this buffer under certain circumstances.

CONCLUSIONS

The proposed amendments conform with the Upper Swift Creek Plan which suggests that convenience nodes be designed within a planned residential neighborhood and located at the intersection of arterial streets to serve the immediate area. The proposed use exceptions are designed to provide goods and services to nearby existing and proposed residential communities within this unique development as intended under the original conditions of zoning. Zoning conditions and Ordinance requirements, as well as the proffered limitations on such uses, are designed to provide maximum compatibility with, and minimal impact upon, the surrounding residential development.

Given these considerations, approval of this request is recommended.

CASE HISTORY

Planning Commission Meeting (4/15/03):

On their own motion, the Commission deferred this case to May 20, 2003, to allow time for the applicant to hold a follow-up meeting with the area property owners, staff and the Matoaca Commissioner.

Staff (4/16/03):

The applicant was advised in writing that any significant new or revised information should be submitted no later than April 21, 2003, for consideration at the May public hearing.

Staff (4/21/03):

To date, no new information has been submitted.

Area Property Owners, Staff and Matoaca District Commissioner (5/1/03):

A meeting was held with area property owners to discuss their concerns relative to this request. Issues discussed included use exception, hours of operation, setback exceptions and buffers. It was generally agreed that these area property owners would register specific concerns in writing for the applicant's review in an attempt to resolve these concerns.

Area Property Owners (5/8/03):

A letter was submitted to both the applicant and staff clarifying the area property owners' concerns. These property owners expressed a need for additional time in which to continue discussions with the applicant.

Applicant (5/19/03):

Revised proffered conditions were submitted in an attempt to address area property owners' concerns.

Planning Commission Meeting (5/20/03):

On their own motion, the Commission deferred this case to June 17, 2003, to provide additional time for the applicant and area residents to continue discussions.

Staff (5/21/03):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than May 27, 2003, for consideration at the Commission's July public hearing.

Staff (6/2/03):

To date, no new information has been submitted.

Applicant (6/10/03):

In response to area residents' concerns, the applicant withdrew the requested exception to parking setbacks.

Revised Proffered Condition 1.a. was submitted to clarify the number of fueling stations proposed as part of the gasoline sales use.

Planning Commission Meeting (6/17/03):

The applicant accepted staff's recommendation but did not accept the Planning Commission's recommendation. There was opposition present. Several Edgewater Subdivision residents expressed concern relative to the proposed motor vehicle wash and the number of pumping stations included in the proposed gasoline sales. These concerns included inconsistency with the neighborhood setting; uses appealing to a larger market rather than to the immediate neighborhood; pollution; and current availability of same services within the immediate area.

Mr. Stack noted that the site currently permits Convenience Business (C-1) uses; that the applicant and the neighbors have made compromises; that a motor vehicle wash was not necessary for the success of this neighborhood center; and that the gasoline sales should be further limited to three (3) pumps with a total of six (6) fueling stations.

In response to a question of Mr. Stack, the applicant indicated that these use modifications were unacceptable.

The Commission acknowledged the applicant's withdrawal of the requested parking setback exception.

On motion of Mr. Stack, seconded by Mr. Litton, the Commission recommended approval of this request subject to the conditions on pages 2 and 3. Further, the Commission recommended that the proffered conditions on page 3 not be accepted.

AYES: Unanimous.

Board of Supervisors Meeting (7/23/03):

On their own motion, the Board deferred this case to the November 25, 2003, meeting to allow time for the completion of road improvements within the vicinity of the request site.

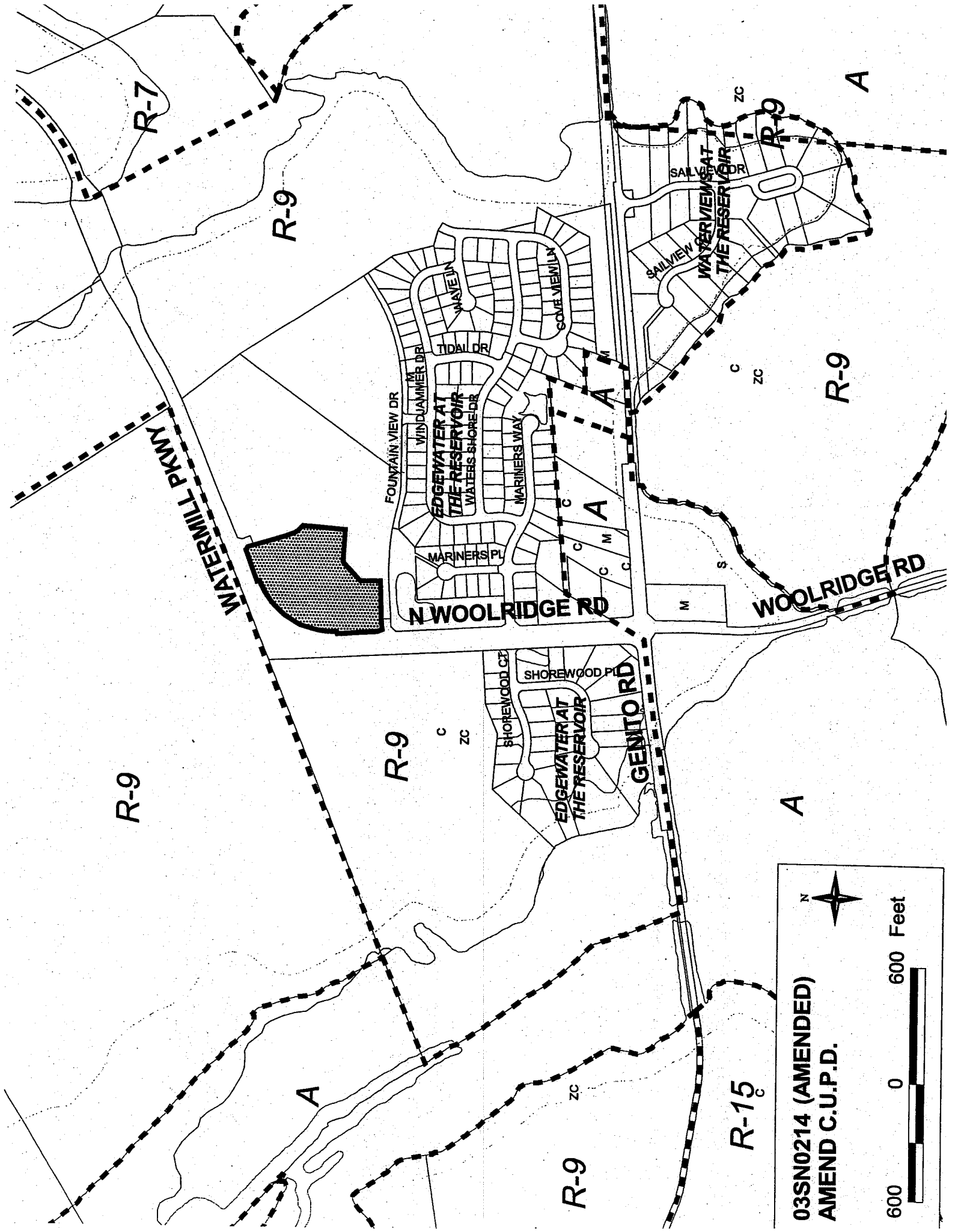
Staff (7/25/03):

The applicant was advised in writing that any significant new or revised information should be submitted no later than August 18, 2003, for consideration at the Board's November public hearing.

Staff (11/14/03):

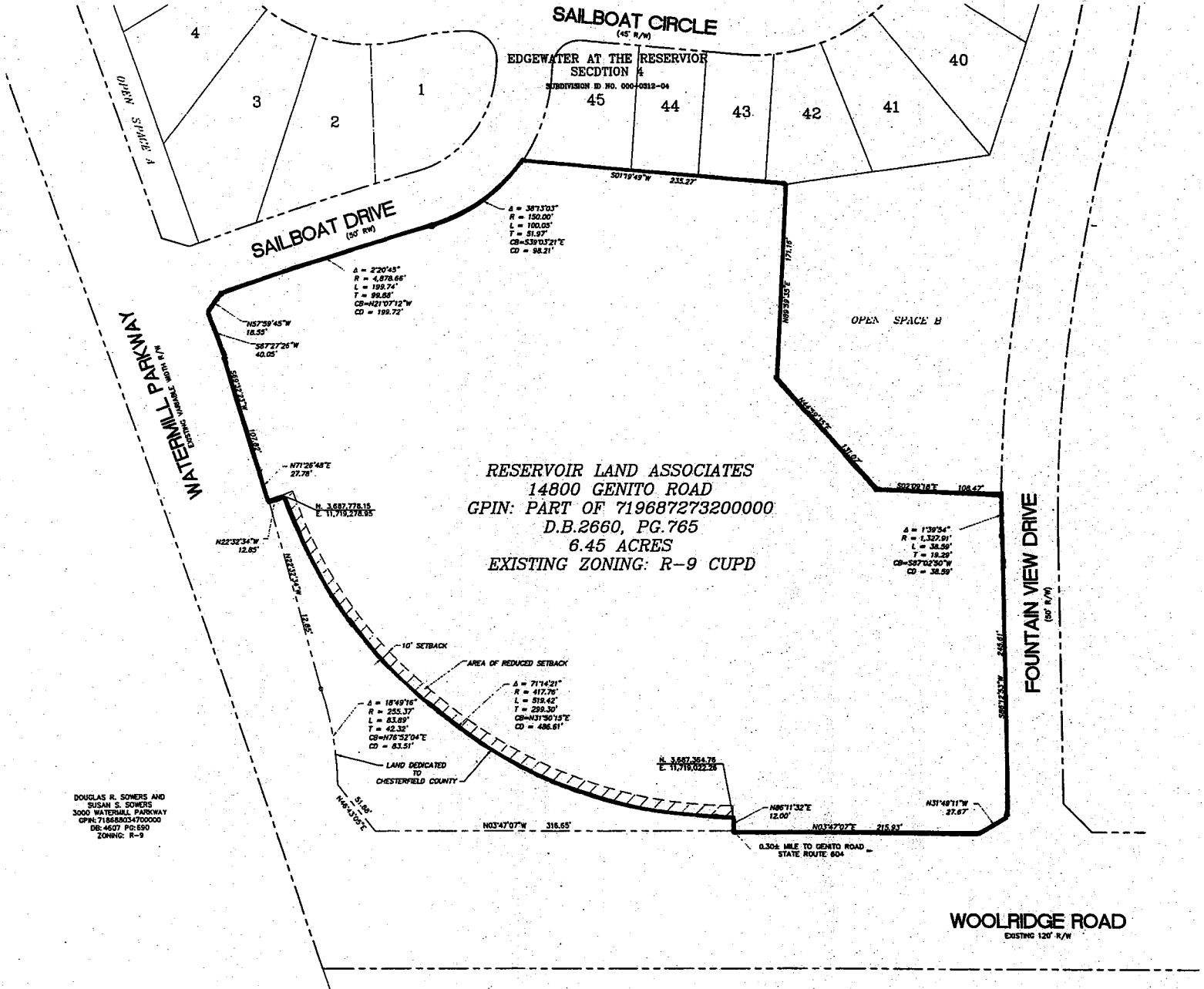
The construction of North Woolridge Road to Watermill Parkway and Watermill Parkway to Powhite Parkway is near completion. These rights of way should be open for public use by the end of November 2003.

The Board of Supervisors, on Tuesday, November 25, 2003, beginning at 7:00 p.m., will take under consideration this request.

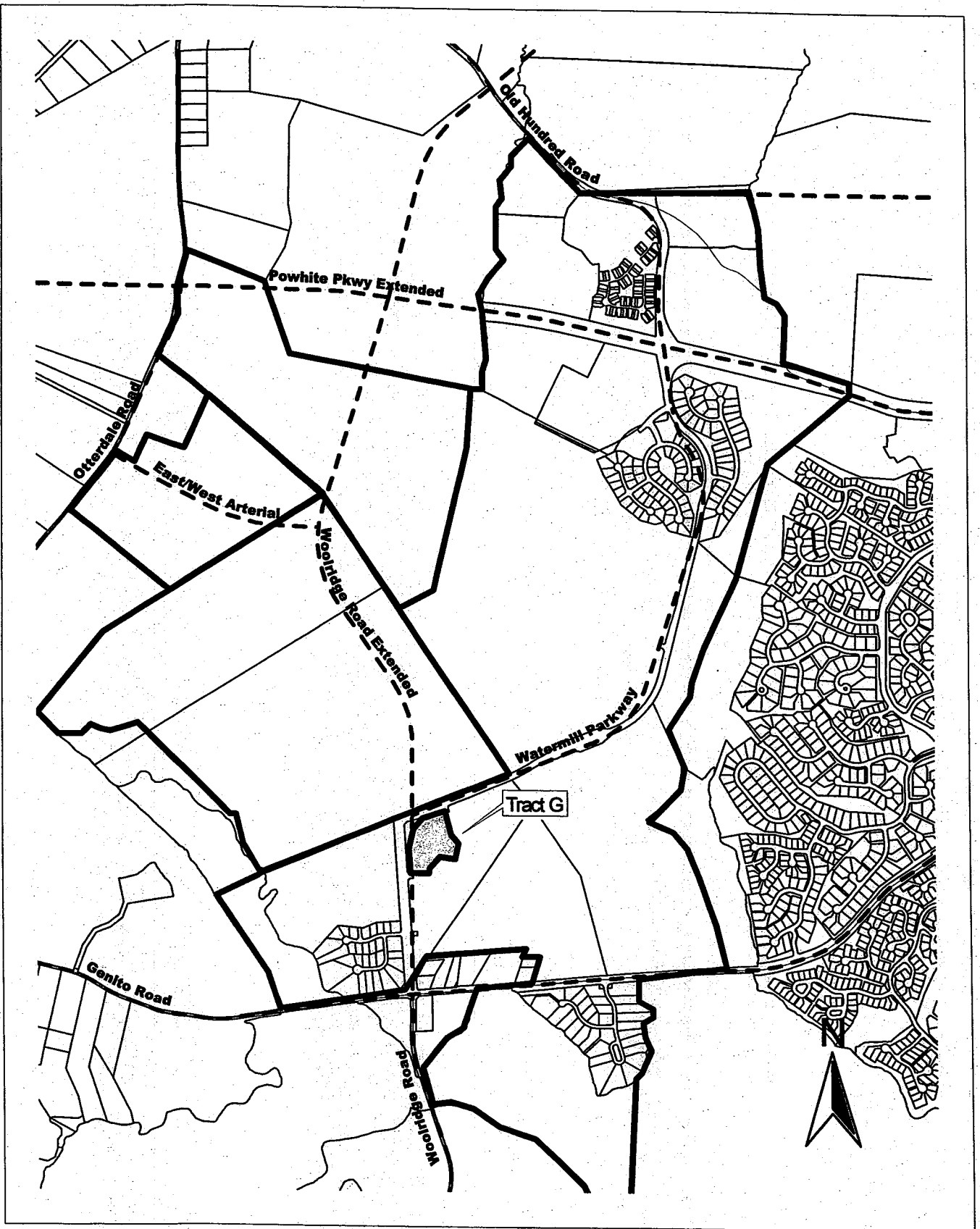


03SN0214 (AMENDED)
AMEND C.U.P.D.





035N0214-1



Greenspring
Case 03SN0214

03SN0214-2